

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

IN RE MICROSOFT CORPORATION
ANTITRUST LITIGATION

This Document Relates to:

Burst.com, Inc. v. Microsoft Corp.

Civil Action No. 1:02 cv02952

MDL Docket No. 1332

MICROSOFT'S MOTION FOR A PROTECTIVE ORDER

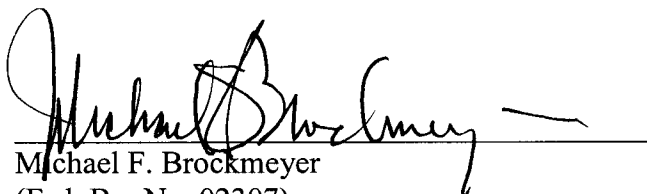
Microsoft Corp. moves the Court for a protective order preventing Burst from deposing the Microsoft attorney who prosecuted two Microsoft patent applications: (1) Improved Media Streaming Method and Arrangement and (2) Client-Side Caching of Streaming Media Content.” Burst seeks to depose this attorney about unidentified information relating to unidentified trade secrets allegedly relating to its misappropriation claim against Microsoft.

Burst's request to depose Microsoft's attorney constitutes good cause for a protective order barring that deposition unless Burst can show that the information it seeks (1) is *only* available from that attorney; (2) is not privileged or work product; and (3) is relevant and the relevancy of that information outweighs the risk inherent in deposing an attorney. Microsoft asked Burst to provide information sufficient to evaluate these criteria, but Burst would only say that the identified patent applications relate in some unidentified way to unidentified Burst trade secrets. Burst has also not identified why the information it seeks is not privileged.

For these reasons, and the additional reasons and case law in support of this motion provided in Microsoft's accompanying Memorandum, Microsoft asks the Court to issue a protective order barring this deposition.

Dated: June 3, 2004

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael F. Brockmeyer", is written over a horizontal line.

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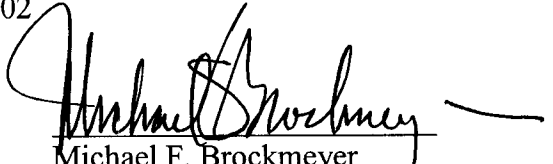
Attorneys for Defendant Microsoft Corporation

CERTIFICATE OF SERVICE

I hereby certify that on June 3, 2004, I caused a copy of the foregoing Microsoft's Motion For A Protective Order and Memorandum in Support to be served by facsimile and U.S. mail, first class, postage prepaid, to:

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